IN THE HIGH COURT OF BOMBAY AT GOA
*****

WRIT PETITION NO. 81 OF 2004

Smt. Carmelina Luiza D'Mello,
aged 57 years, r/o Foro-Wado,
St. Estevam, Tiswadi Taluka,
Goa. ... Petitioner

Versus

1. State of Goa,
through Chief Secretary,
Secretariat, Panaji, Goa,and

2. Land Acquisition Officer,
Dy. Collector & SDO, Ponda,
Sub-Division, Ponda, Goa. ... Respondents.

Shri M. S. Joshi, advocate for the petitioner.

Shri S. R.Rivankar, Government Advocate for the respondents.

CORAM : S. A. BOBDE &.
N. A. BRITTO, JJ.

DATE : 12th July, 2004.

ORAL JUDGMENT (Per Bobde, J.)

Rule returnable forthwith. Heard by consent.

2. By this petition the petitioner, whose land has been acquired under Notification no. 22/35/90-RD dated 20th March, 1990, published in the Official Gazette dated 22nd March, 1990, seeks interest for delayed payment of the amount of compensation. Admittedly, the Award was passed on 13th May, 1993. No compensation was paid to the petitioner at that time. The compensation was eventually paid on 21st April, 1997, on the amount awarded, i.e. Rs.6,47,044/-. The entitlement of a person in such a situation to receive interest on account of delayed payment is no more res integra,

as fairly accepted by the learned counsel. The issue is squarely covered by a judgment of the Division Bench of this Court in **Uday S. Vaidya & Anr. vs. State of Goa & Anr.** (Writ Petition No.145 of 2003 decided on 23rd June, 2003).

3. As a result, we hold that the petitioner is entitled to interest at the rate of 9% per annum, which is also the rate at which interest was granted by the Division Bench in the above case, for the period from 14th May, 1993, till 21st April, 1997, on the amount of Rs.6,47,044/-.

4. Rule made absolute in the above terms.

S.A. BOBDE, J.

N.A. BRITTO, J.

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